

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1387, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between lines 5 and 6, begin a new paragraph and insert:
- 2 "SECTION 2. IC 25-34.5-1-2.5 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2001]: **Sec. 2.5. (a) "Assessment" means the**
- 5 **evaluation and interpretation of patient data that is the basis for**
- 6 **and a prerequisite for making a decision concerning patient care.**
- 7 **(b) The term does not include making a medical diagnosis.**
- 8 SECTION 3. IC 25-34.5-1-4.7 IS ADDED TO THE INDIANA
- 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 10 [EFFECTIVE JULY 1, 2001]: **Sec. 4.7. "Other authorized health**
- 11 **care professional" means a licensed health care professional whose**
- 12 **scope of practice:**
- 13 **(1) includes the respiratory care practice being supervised;**
- 14 **and**
- 15 **(2) authorizes the professional to supervise an individual who**
- 16 **is not licensed, certified, or registered as a health care**
- 17 **professional."**
- 18 Page 2, delete lines 30 through 31.
- 19 Page 2, between lines 35 and 36, begin a new paragraph and insert:
- 20 "SECTION 6. IC 25-34.5-1-8 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2001]: **Sec. 8. "Proximate supervision"**
means a situation in which an individual is:

- (1) responsible for directing the actions of another individual;
and
- (2) in the facility and is physically close enough to be readily
available if needed by the supervised individual.

SECTION 7. IC 25-34.5-1-9 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2001]: **Sec. 9. "Task"** means a respiratory care practice that does
not:

- (1) require specialized knowledge that results from a course
of education or training in respiratory care;
- (2) pose an unreasonable risk of a negative outcome for the
patient; and
- (3) involve assessment or making a decision concerning
patient care."

Page 2, line 37, delete "(a)".

Page 3, delete lines 3 through 8, begin a new paragraph and insert:
"SECTION 9. IC 25-34.5-2-6.1 IS ADDED TO THE INDIANA
CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2001]: **Sec. 6.1. The rules proposed under
section 6(4) of this chapter and adopted under section 7(l) of this
chapter must include, to the extent reasonably ascertainable, a
designation of all tasks. The designation of tasks must:**

- (1) exclude the practices described in section 6.2 of this
chapter; and
- (2) include the tasks described in section 6.3 of this chapter.

SECTION 10. IC 25-34.5-2-6.2 IS ADDED TO THE INDIANA
CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2001]: **Sec. 6.2. The following respiratory
care practices are not tasks:**

- (1) Administration of aerosol medication.
- (2) Insertion and maintenance of an artificial airway.
- (3) Mechanical ventilatory support.
- (4) Patient assessment.
- (5) Patient education.

SECTION 11. IC 25-34.5-2-6.3 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2001]: **Sec. 6.3. (a) The following respiratory care practices are tasks:**

(1) Cleaning, disinfecting, sterilizing, and assembling equipment used in the practice of respiratory care as delegated by a practitioner or other authorized health care professional.

(2) Collecting and reviewing patient data through noninvasive means if the collection and review does not include the individual's interpretation of the clinical significance of the data. Collecting and reviewing patient data includes the following:

(A) Setting up and obtaining an electrocardiogram.

(B) Performing pulse oximetry and reporting to a practitioner or other authorized health care professional in a timely manner.

(3) Setting up a nasal cannula for oxygen therapy and reporting to a practitioner or other authorized health care professional in a timely manner.

(4) Performing incentive spirometry, excluding a patient's initial treatment and education.

(5) Performing cough and deep breath maneuvers.

(6) Maintaining a patient's natural airway by physically manipulating the jaw and neck.

(b) An individual who is not a licensed, registered, or certified health care professional may perform a task only:

(1) under the proximate supervision of a practitioner or other authorized health care professional; and

(2) if the individual has demonstrated to the facility that employs or contracts with the individual competency to perform the task.

The facility shall document competency in accordance with licensure, certification, and accreditation standards applicable to the facility.

(c) A practitioner may do the following:

(1) Delegate tasks.

(2) Supervise the performance of tasks."

Page 3, line 14, delete "the tasks that do not require the" and insert

- 1 "tasks ;".
- 2 Page 3, delete line 15.
- 3 Page 5, between lines 1 and 2, begin a new line block indented and
- 4 insert:
- 5 **"(3) The practice of respiratory care."**
- 6 Page 7, line 2, after "documented" insert **"and that is available**
- 7 **upon request"**.
- 8 Page 7, line 7, delete "direct" and insert **"proximate"**.
- 9 Page 7, line 15, after "." insert **"The graduation of a student**
- 10 **permit holder from a respiratory care program approved by the**
- 11 **committee does not cause the student permit to expire under this**
- 12 **subdivision."**
- 13 Page 7, line 41, delete "cross trained" and insert **"cross-trained"**.
- 14 Page 7, line 41, delete "activities" and insert **"practices"**.
- 15 Page 7, line 42, delete "activities" and insert **"practices"**.
- 16 Page 8, line 5, delete "An" and insert **"Except as provided in**
- 17 **IC 25-34.5-2-6.3(b), an"**.
- 18 Page 8, line 7, delete "procedure that is included in the practice of".
- 19 Page 8, line 8, after "care" insert **"practice"**.
- 20 Page 8, line 9, delete "procedure" and insert **"practice"**.
- 21 Page 8, line 20, delete "licensed respiratory care".
- 22 Page 8, line 21, after "licensed" insert **", registered, or certified"**.
- 23 Page 8, line 21, after "case" delete "practitioner" and insert
- 24 **"professional"**.
- 25 Page 8, line 22, delete "perform" and insert **"practice"**.
- 26 Page 8, line 23, delete "procedures".
- 27 Page 8, line 32, delete "licensed respiratory care".
- 28 Page 9, between lines 3 and 4, begin a new paragraph and insert:
- 29 "SECTION 27. IC 25-34.5-3-8 IS ADDED TO THE INDIANA
- 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 31 [EFFECTIVE JULY 1, 2001]: **Sec. 8. This article does not prohibit**
- 32 **an individual who is not a practitioner from performing laboratory**
- 33 **tests in a clinical laboratory holding a federal Clinical Laboratory**
- 34 **Improvement Act (CLIA) certificate or a CLIA certificate of**
- 35 **accreditation if the individual satisfies the specified federal**
- 36 **qualification standards."**
- 37 Page 10, between lines 32 and 33, begin a new line block indented
- 38 and insert:

1 **"(3) The practice of respiratory care."**
 2 Page 10, after line 33, begin a new paragraph and insert:
 3 **"SECTION 31. [EFFECTIVE UPON PASSAGE] (a) Before July**
 4 **1, 2001:**
 5 **(1) the respiratory care committee shall propose rules under**
 6 **IC 4-22-2 to implement IC 25-34.5-2-6.1, as added by this act;**
 7 **and**
 8 **(2) the medical licensing board shall adopt rules under**
 9 **IC 4-22-2 to implement IC 25-34.5-2-7(1), as amended by this**
 10 **act;**
 11 **that designate, to the extent reasonably ascertainable, all**
 12 **respiratory care tasks (as defined in IC 25-34.5-1-9, as added by**
 13 **this act).**
 14 **(b) In proposing rules under subsection (a)(1), the respiratory**
 15 **care committee shall receive and consider information provided by**
 16 **all affected health care providers, including joint consultation with**
 17 **the following:**
 18 **(1) The Indiana Hospital and Health Association.**
 19 **(2) The Indiana Society for Respiratory Care.**
 20 **(c) In adopting rules under subsection (a)(2), the medical**
 21 **licensing board shall receive and consider information provided by**
 22 **all affected health care providers, including joint consultation with**
 23 **the following:**
 24 **(1) The Indiana Hospital and Health Association.**
 25 **(2) The Indiana Society for Respiratory Care.**
 26 **(d) This SECTION expires July 1, 2001.**
 27 **SECTION 32. An emergency is declared for this act."**
 28 Renumber all SECTIONS consecutively.
 (Reference is to HB 1387 as printed January 28, 2000.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

Miller

Chairperson